

PECULATION TO RECULATION DUTY.

BellSouth Telecommunications, Inc.

333 Commerce Street

Suite 2101

Nashville, TN 37201-3300

joelle.phillips@bellsouth.com

101 JUL 13 PM 4 Autorney

615 214 6311 EXECUTIVE -- Fax 615 214 740

July 13, 2001

VIA HAND DELIVERY

Mr. David Waddell, Executive Secretary Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, Tennessee 37243

Re:

BellSouth Telecommunications, Inc.'s Tariff Filing for Contract Service

Arrangement NCOO-1808-00

Docket No. 01-00519

Dear Mr. Waddell:

Enclosed please find an original and thirteen copies of BellSouth's Motion for Clarification or Reconsideration.

Very truly yours,

Joelle Phillips

JP/jej

Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

BELLSOUTH TELECOMMUNICATIONS, INC.'S TARIFF FILING FOR CONTRACT SERVICE ARRANGEMENT NC00-1808-00

Docket No. 01-00519

MOTION FOR CLARIFICATION OR RECONSIDERATION

BellSouth Telecommunications, Inc. ("BellSouth") submits this Motion for Clarification or Reconsideration and respectfully shows the Tennessee Regulatory Authority (the "Authority") as follows:

- 1. On July 10, 2001, at its Agenda Conference, the Authority considered three Contract Service Arrangements ("CSAs") (Items 5, 6 and 7 on the Agenda) submitted for approval by BellSouth. Upon review of the transcript, BellSouth respectfully requests clarification from the Authority regarding whether approval of those CSAs was denied or merely held in abeyance. The colloquy between the Directors on this matter is set forth on Pages 20 through 22 of the transcript, attached as Exhibit "A."
- 2. To the extent that the Authority intended to deny approval of the CSAs, rather than hold the matter in abeyance, BellSouth respectfully requests that the Authority reconsider and, instead, hold the matter in abeyance until August 15, 2001. BellSouth is preparing to file a tariff addressing this issue on or about August 1, 2001, and August 15, 2001 is the date BellSouth anticipates that the new tariff would become effective. Going forward, BellSouth will proceed with the

understanding that all CSAs approved after the tariff effective date will be subject to the new tariff to the extent such CSAs address services in Tennessee.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

Guy M. Hicks Joelle Phillips

333 Commerce Street, Suite 2101 Nashville, Tennessee 37201-3300

(615) 214-6301

EXHIBIT "A"

0001	BEFORE THE TENNESSEE REGULATORY AUTHORITY
2	
3	
4	
5	
6	TRANSCRIPT OF DIRECTORS' CONFERENCE
7	Tuesday, July 10, 2001
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	Reported By:
22	Susan D. Delac, RPR, CCR
23	
24	
25	

0002	DOCKET	DESCRIPTION	DISPOSITION	PAGE
2				
3	00-00358	BellSouth Tele- communications,	Approved 3-0	7
4		Inc., notice of intent to request a temporary waiver of physical collocation in the Dickson central office		
5				
6	00-01128	On-Site Systems,	Approved	7
7		Inc., On-Site Systems Inc. to expand service	3-0	,
8		area to include the City of Coopertown		
9	01-00405	AT&T Communications	Director	11
10	01-00403	of the South Central States (IXC)	Greer appointed	11
11		AT&T Communications of the South Central	hearing officer	
12		States and TCG MidSouth, Inc.,	Approved 2-1	
13		Petition for	(Malone	
14		structural separation of BellSouth Tele- communications, Inc.	dissenting)	
15		Consider appointment of hearing officer		
16	01-00510	United Cities Gas	Petition to	15
17	01 00010	Company Petition of United	withdraw Approved	10
18		Cities Gas for expedited approval	3-0	
19		of authority to purchase futures		
20		contracts for the winter heating season		
21		of 2001-2002 on an experimental basis		
22	01 00514	BellSouth Tele-	Denied	22
23	01-00514	communications, Inc. Tariff filing for	2-1 (Kyle	22
24		contract service arrangement	dissenting)	
25		FL00-7387-00		

0003	DOCKET	DESCRIPTION	DISPOSITION	PAGE		
2						
3	01-00517	BellSouth Tele- communications, Inc.	Denied 2-1	22		
4		Tariff filing for contract service	(Kyle dissenting)			
5		arrangement FL00-4090-00	dissementing			
6	01-00519	BellSouth Tele-	Denied	22		
7		communications, Inc. Tariff filing for	2-1 (Kyle			
8		contract service arrangement	dissenting)			
9		NC00-1808-00				
10	01-00543	Tennessee Water Service, Inc.	Approved 3-0	22		
11		Petition for				
7.1		authority to transfer control				
12		of Utilities, Inc. to Nuon NV				
13	99-00662	Petition of MCI	BellSouth	31		
14	99-00002	WorldCom to enforce	ordered to	31		
15		interconnection agreement with	comply with order by 7/13			
16		BellSouth	Approved 3-0			
17						
18	INTERCONNI	Approved	23			
19	RESALE AGREEMENTS 3-0					
20	01-00384	BellSouth Telecommunicat: Amendment to the intercor				
21		agreement dated December 22, 2000, between BellSouth and Premiere				
		Network Services, Inc.	swiere			
22	01-00385	BellSouth Telecommunicat:	ions, Inc.			
23		Amendment to the intercor agreement between BellSon				
24		Global Crossing Local Ser				

- 1 liability provisions in those tariff term plans.
- 2 Customers that signed up for and wanted to avail
- 3 themselves of that 2001 key promotion would be subject
- 4 to the termination liability provisions that do not
- 5 include the buyouts.
- 6 DIRECTOR MALONE: I don't have any
- 7 further questions of Mr. Hicks. I have a motion if
- 8 there are other questions of Mr. Hicks before that
- 9 time.
- 10 (No response.)
- 11 DIRECTOR MALONE: Thank you,
- 12 Mr. Hicks.
- MR. HICKS: Thank you.
- 14 DIRECTOR MALONE: It appears to me
- 15 that the -- Madam Chairman, are we taking 5, 6, and 7
- 16 separately or together?
- 17 CHAIRMAN KYLE: Be glad to take them
- 18 together.
- 19 DIRECTOR MALONE: It appears to me
- 20 that Agenda Items 5, 6, and 7 are from the standpoint
- 21 of the underlying termination provisions permitting a
- 22 90 or 100 percent buyout are on all fours with the key
- 23 business discount. And in that situation, BellSouth
- 24 agreed that the underlying tariff termination
- 25 provisions will not be applicable but that they would

- 1 conform with the rule that has been adopted by the
- 2 Authority.
- 3 I see no material reason why these
- 4 CSAs should not also conform to that offering by
- 5 BellSouth, particularly in light of the fact that these
- 6 are not CSAs that were filed before the Agency adopted
- 7 the rule. These are not CSAs that were filed before
- 8 BellSouth and staff submitted the settlement agreement.
- 9 And BellSouth has always communicated
- 10 to this Agency that upon the adoption of the rule, that
- 11 it would conform its practices to the rule, not upon
- 12 the effective date of the rule but upon the adoption of
- 13 the rule. And these three CSAs fly in the face of that
- 14 offer and are inconsistent with what BellSouth agreed
- 15 to do last week and the key business discount.
- 16 So approving these CSAs, I would be
- 17 glad to do so, so that the customers can get these
- 18 discounts. But to approve these CSAs and remain intact
- 19 termination provisions that are clearly inconsistent
- 20 with the rule and clearly inconsistent with what
- 21 BellSouth has agreed to do, would be a
- 22 misrepresentation to this Agency.
- 23 So last week BellSouth agreed to
- 24 modify the key business discount consistent with the
- 25 rule. And I would suggest that either BellSouth can

- 1 agree to do that with these CSAs and they can be
- 2 approved, or that these CSAs be either held in abeyance
- 3 or denied.
- 4 DIRECTOR GREER: Maybe the secret now
- 5 is that we call Mr. Howorth. Maybe we can get another
- 6 answer out of Mr. Howorth consistent with his answer
- 7 last week.
- 8 As I understood last week, or the last
- 9 time we had this, both key business discount and this
- 10 are both volume and term contracts. And based on the
- 11 answer that Mr. Howorth gave us two weeks ago, I'm
- 12 going to vote to second your motion.
- 13 CHAIRMAN KYLE: I'm not with that
- 14 motion. I would be for approval of these as they
- 15 stand. Next item.
- MR. WADDELL: 01-00543, Tennessee
- 17 Water Service, Inc., petition for authority to transfer
- 18 control of Utilities, Inc. to Nuon NV.
- 19 CHAIRMAN KYLE: I move to approve the
- 20 petition.
- 21 DIRECTOR MALONE: Second.
- 22 DIRECTOR GREER: Does this involve an
- 23 inspection trip to the world headquarters of Nuon on
- 24 behalf of the three commissioners?
- MR. WADDELL: With the vote of three